

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SONYA L. SALKIN, Chapter 7 Trustee of the)	
substantively consolidated bankruptcy estates of)	
Homeowners Funding Corporation of America et al.)	Bankruptcy Appeal
)	Civil No. 04-12245-DPW
Appellant,)	
)	
v.)	
)	
DAVID B. GAUDREAUULT,)	
)	
Appellee.)	

**SECOND JOINT MOTION TO ENLARGE BRIEFING SCHEDULE BY 60 DAYS
PENDING BANKRUPTCY COURT'S APPROVAL OF SETTLEMENT**

Appellant, Sonya L. Salkin, the duly appointed Chapter 7 Trustee of the substantively consolidated bankruptcy estates of Homeowners Funding Corporation of America et al., pending in the United States Bankruptcy Court for the Southern District of Florida, Case No. 97-27015-BKC-RBR ("Salkin") and Appellee David B. Gaudreauult ("Debtor"), by their undersigned counsel, hereby move this Court for a second enlargement of the briefing schedule by sixty (60) days. The current deadline set by this Court for the Appellant to file her brief is January 10, 2005. In support of this Motion, the parties submit as follows:

1. This is an appeal of an Order of the U.S. Bankruptcy Court issued September 8, 2004, denying Salkin's Objection to the Debtor's Claim of a Massachusetts homestead exemption in his residence pursuant to Massachusetts General Laws c. 188, § 1.
2. On September 20, 2004, Salkin timely filed her Notice of Appeal.
3. On November 9, 2004, Salkin and the Debtor reached a global settlement in principle of their claims at issue in this appellate proceeding as well as in an adversary proceeding captioned

Salkin v. Gaudreault, Adversary No. 04-1203 which is pending before the U.S. Bankruptcy Court.

4. On November 10, 2004, the parties filed their Joint Motion to Enlarge the Briefing Schedule 60 Days to allow the parties time to draft a settlement agreement and to file a motion with the Bankruptcy Court seeking its approval of the proposed settlement.

5. By Order dated November 16, 2004, this Court granted the parties motion and set the following briefing deadlines:

- | | |
|-----------------------------|------------------|
| a. Appellant's Brief: | January 10, 2005 |
| b. Appellee's Brief: | January 25, 2005 |
| c. Appellant's Reply Brief: | February 8, 2005 |

6. On January 5, 2005, the parties filed their Motion to Approve Settlement Agreement ("Settlement Motion") together with their executed settlement agreement with the Bankruptcy Court. Under the rules of the Bankruptcy Court, parties-in-interest were served copies of the settlement pleadings and may file a response to proposed settlement. If a response is filed, the Bankruptcy Court, in its discretion, may schedule a hearing.

7. Although the parties anticipate the Bankruptcy Court will approve the Settlement Motion, the Bankruptcy Court will not have ruled on the proposed settlement before the current deadline for the Appellant to file her brief.

8. The parties request that the briefing deadlines be enlarged an additional sixty (60) which they believe is sufficient time to allow the Bankruptcy Court to hold a hearing, if necessary, and rule on Settlement Motion.

9. If the Settlement Motion is approved by the Bankruptcy Court, Salkin will withdraw her appeal.

10. This motion is not filed for purposes of delay, and extending the briefing deadlines to allow time for the Bankruptcy Court to approve the settlement pleadings is in their best interest.

WHEREFORE, Appellant Sonya L. Salkin and Appellee David Gaudreault request that this Court grant this Motion and enlarge the briefing deadlines 60 days, and for such other relief as is just.

SONYA L. SALKIN, Chapter 7 Trustee of the
substantively consolidated bankruptcy estates of
Homeowners Funding Corporation of America et al.

By her attorneys,

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Dated: January 7, 2005

CERTIFICATE OF SERVICE

I, Brian L. Gallagher, hereby certify that on this 7th day of January, 2005, I served a copy of the foregoing on the following, by ECF, first class mail, postage prepaid or as otherwise indicated.

/s/ Brian L. Gallagher
Brian L. Gallagher

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